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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/026,295  | 12/20/2001  | Tamenobu Yamamoto    | 12301/2             | 8106             |
| 26646   | 7590        | 06/22/2006           |                     | EXAMINER         |
| KENYON & KENYON LLP<br>ONE BROADWAY<br>NEW YORK, NY 10004 |             |                      | TRAN, THAO T        |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1711                |                  |

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|------------------------------|------------------------|---------------------|
|                              | 10/026,295             | YAMAMOTO ET AL.     |
| Examiner                     | Art Unit               |                     |
| Thao T. Tran                 | 1711                   |                     |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 05 May 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) 2 and 8-11 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,3-7 and 12 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/05/2006 has been entered.
2. Claims 1-12 are currently pending in this application. Claim 1 has been amended. Claims 2 and 8-11 have been withdrawn as directed to a non-elected invention as indicated in a prior Office action. Claims 1, 3-7, and 12 are being examined together.
3. The prior art rejection in the prior Office action is maintained below.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1, 3-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoshikawa (US Pat. 4,709,991) in view of Hoshikawa et al. (US Pat. 4,526,818).

Hoshikawa '991 teaches a polarizing article, comprising a laminate structure; wherein the laminate structure comprises transparent plates 1, 2; an orientation layer 6 on the inner surface of

the transparent plates; and a barrier layer 5 (see Fig. 1; col. 5, ln. 31-50). The orientation layer 6 is formed of polyamide resin (see col. 6, ln. 3-5). The transparent plate can have a polarizing film attached to it (see col. 2, ln. 48-49). A seal 8 is formed around the periphery of the transparent plates, wherein the seal is formed of urethane resin (see col. 6, ln. 13-19). The transparent plate may have a layer of aluminum or silver applied to it (mirror coating) (see col. 2, ln. 56-58). An adhesive is applied on the transparent plates and between the plates (see Fig. 4; col. 7, ln. 6-8; col. 8, ln. 65-67).

Note that with respect to how the polyamide layer is formed, it has been within the skill in the art that process limitations would have no significant patentable weight in an article claim.

Hoshikawa '991 differs from the presently claimed invention because the reference does not specifically teach the polarizing film sandwiched between two layers.

Hoshikawa '818 teaches a substrate comprising a polarizer sheet 11 sandwiched between two plastic films 12, 13; an orientation layer 3 made of polyamide resin (see abstract; Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have employed the substrate, as taught by Hoshikawa '818, in the invention of Hoshikawa '991, for the purpose of providing better protection of the polarizing plate.

#### *Response to Arguments*

6. Applicant's arguments filed 05/05/2006 have been fully considered but they are not persuasive.

Applicants contend that the Hoshikawa combination does not describe the polyamide sheet layer being obtained by an extrusion or cast molding. This contention is correct. However,

as explained above, how the polyamide layer is formed would have no significant patentable weight in an article claim. Thus, the Hoshikawa combination is obvious over the presently claimed invention.

In summary, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

*Contact Information*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao T. Tran whose telephone number is 571-272-1080. The examiner can normally be reached on Monday-Friday, from 9:00 a.m. - 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tt  
June 19, 2006

*Thao Tran*  
THAO T. TRAN  
PATENT EXAMINER